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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/051,048

Applicant(s)

ABE ET AL.

Examiner

Charlie C. Agwumezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/22/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/22/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. **The abstract of the disclosure is objected to because it is more than 150 words in length. Correction is required. See MPEP § 608.01(b)**

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1, 3, 4 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al U.S. Patent Application Publication U.S. 2002/0032626 in view of Dinapoli et al U.S. Patent 3,754,122.

3. As per **claim 1**, DeWolf et al discloses a method performed by a computer system for providing secondhand article information, comprising:

a usage history storage step in which the collected usage data are stored as usage history in a database (fig. 9, page 5, 0055; page 9, 0103 ); and

a usage history provision step in which, while said article is being put up for sale as a secondhand article, the usage history of the said article stored in said data base, is provided to a customer via a network (fig 1, page 9, 0105; page 14, 0143).

DeWolf et al however failed to disclose a usage data collection step in which, when an article has been used, usage data showing the facts relating to the usage of that said article are collected.

Dinapoli et al discloses a usage data collection step in which, when an article has been used, usage data showing the facts relating to the usage of that said article are collected (col. 5, line 40-53);

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of DeWolf et al and incorporate the ability to provide a usage a usage data collection step in which, when an article has been used, usage data showing the facts relating to the usage of that said article are collected as taught by Dinaploi et al in order to make available the current state and value of the said article easily ascertainable by the potential customer.

4. As per **claim 3**, DeWolf et al further disclose a method further comprising:  
a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of the said article are collected (fig 9; page 9, 0103, 0105);

a service history storage step in which the collected service data are stored as service history in said data base (fig. 9); and

a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network (fig. 9; page 9, 0105; page 14, 0143).

5. As per **Claims 4** DeWolf et al does not expressly show a system wherein said usage data collection steps, said usage history storage step, and said usage history provision step are conducted simultaneously in parallel so that article still in use can be put up for sale as a secondhand article.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The usage data collection steps, usage history storage step, and usage history provision step would be performed the same regardless of the order. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide parallel processing of data because such data does not functionally relate to the steps in the method or system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

6. As per claim 7, DeWolf et al further discloses a method further comprising a download step of downloading the usage history or service history for said article, which are stored in said data base, to a terminal used by said customer via a network (see fig. 1, page 0105, page 11, 0121).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al U.S. Patent Application Publication U.S. 2002/0032626 in view of Dinapoli et al U.S. Patent 3,754,122 as applied to claim 1 above, and further in view of Ukai et al U.S. Patent Application Publication U.S. 2003/0191581.

8. As per claim 2, both DeWolf et al and Dinaploi et al failed to discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article.

Ukai et al discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article (See fig 1; page 1, 0018; page 4, 0071).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of DeWolf et al and Dinaploi et al and incorporate the ability to provide a usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said

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article by communicating with said article from a remote location away from the said article as taught by Ukai et al in order to provide current state article information immediately accessible and available to potential customers.

9. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al U.S. Patent Application Publication U.S. 2002/0032626 in view of Dinapoli et al U.S. Patent 3,754,122 as applied to claim 1 above, and further in view of Windle et al U.S. Patent 4,926,331.

10. As per claim 5, both DeWolf et al and Dinapoli et al failed to explicitly disclose a method wherein said usage data includes operation data that shows an amount of work done by said article.

Windle et al discloses a method wherein said usage data includes operation data that shows an amount of work done by said article (see fig 23 and 32, col. 1, lines 37-43).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of DeWolf et al and Dinaploi et al and incorporate the ability to provide a usage data includes operation data that shows an amount of work done by said article as taught by Windle et al in order to provide current value of the article based on amount of work performed to potential customers.

11. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al U.S. Patent Application Publication U.S. 2002/0032626 in view of Dinapoli et al U.S. Patent 3,754,122 as applied to claim 1 above, and further in view of Lancaster et al U.S. Patent Application Publication U.S. 2002/0065707.

12. As per claim 6, both Dewolf et al and Dinapoli et al failed to explicitly disclose a method wherein said usage data includes photographic data showing actual images of said article.

Lancaster et al discloses a method wherein said usage data includes photographic data showing actual images of said article (fig.13 and 26; page 10, 0114).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of DeWolf et al and incorporate the ability to provide a usage data wherein said usage data includes photographic data showing actual images of said article as taught by Lancaster et al in order to make available the actual images and current state of the article visually apparent to potential customer.

13. Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukai et al U.S. Patent Application Publication U.S. 2003/0191581 in view of DeWolf et al U.S. Patent Application Publication 2002/0032626.

14. As per claim 8 Ukai et al discloses a method performed by a computer system for providing secondhand article information, comprising:

a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data that shows the current state of an article are collected at intervals (page 4, 0071, page 10, 0179);

a current step data storage step in which the collected current state data are stored in said data base (page 5, 0089).

Ukai et al however failed to explicitly disclose a current state data provision step in which while said article is being put up for sale as a secondhand article, the current



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state data for said article stored in said data base, are provided to a customer via a network.

DeWolf et al discloses a current state data provision step in which while said article is being put up for sale as a secondhand article, the current state data for said article stored in said data base, are provided to a customer via a network (fig 1, page 9, 0105; page 14, 0143).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Ukai et al and incorporate the ability to provide a current state data provision step in which while said article is being put up for sale as a secondhand article, the current state data for said article stored in said data base, are provided to a customer via a network as taught by DeWolf et al in order to make available the current state data immediately available to the potential customer.

15. As per claim 9, Ukai et al discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article (See fig 1; page 1, 0018; page 4, 0071).

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ukai et al U.S. Patent Application Publication U.S. 2003/0191581 in view of DeWolf et al U.S. Patent Application Publication 2002/0032626 as applied to claim 8 above, and further in view of Lancaster et al U.S. Patent Application Publication U.S. 2002/0065707.

17. As per claim 10, Ukai et al failed to explicitly disclose a method as recited in claim 10.

DeWolf discloses a method further comprising:

a service history storage step in which the collected service data are stored as service history in said data base(see fig. 9) and further discloses

a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network(fig. 9; page 9, 0105; page 14, 0143). DeWolf et al failed to explicitly disclose a method comprising a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of said article are collected

Lancaster et al discloses a method further comprising:

a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of said article are collected (fig. 27).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Ukai et al and incorporate the ability to provide a service history storage step in which the collected service data are stored as service history in said data base and a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network and a service data collection step in which, when said article has been serviced, service data that shows

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the facts relating to the service of said article are collected as taught by DeWolf et al and Lancaster et al respectively in order to facilitate service history data retrieval allowing customer to ascertain value of said article.

18. Claim 11, 12, 13, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster et al U.S. Patent Application Publication U.S. 2002/0065707 in view of Ukai et al U.S. Patent Application Publication U.S. 2003/0191581 and DeWolf et al U.S. Patent Application Publication 2002/0032626.

Lancaster et al discloses a method performed by a computer system for providing secondhand article information comprising:

a usage data collection step in which, when an article has been used, usage data showing the facts relating to the usage of that said article are collected (page 13, claim 30)

a usage history storage step in which, the collected usage data are stored as usage history in a database (page 4, 0063). Lancaster et al however failed to explicitly disclose other claims as recited in claim 11.

Ukai et al discloses a method performed by a computer system for providing secondhand article information comprising:

a current state data collecting step in which, while said article is being put up for sale as a secondhand article, current state data that shows the current state of said article are collected at intervals (page 4, 0071, page 10, 0179)

a current state data storage step in which the collected current state data are stored in said data base (page 5, 0089). Ukai et al however failed to disclose other claims as recited in claim 11.

DeWolf et al discloses a method performed by a computer system for providing secondhand article information comprising:

a current state data provision step in which while said article is being put up for sale as a secondhand article, the current state data for said article stored in said data base, is provided to a customer via a network (fig 1, page 9, 0105; page 14, 0143).

a usage history provision step in which, while said article is being put up for sale as a secondhand article, the usage history of the said article stored in said data base, is provided to a customer via a network (fig 1, page 9, 0105; page 14, 0143).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Lancaster et al and incorporate the ability to provide a current state data collecting step, a current state data provision step and a usage history provision step taught by Ukai et al and DeWolf et al respectively in order to simplify data collection and retrieval by a potential customer.

19. As per claim 12, Lancaster failed to disclose a method wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article.

Ukai et al discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state

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data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article (See fig 1; page 1, 0018; page 4, 0071).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Lancaster et al and incorporate the ability to provide a usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article as taught by Ukai et al in order to provide current state article information immediately accessible and available to potential customers.

20. As per claim 13, Lancaster et al further disclose a method further comprising:

a service data collection step in which, when said article has been serviced, service data that shows the facts relating to the service of the said article are collected (fig 27);

a service history storage step in which the collected service data are stored as service history in said data base (fig. 27); and

a service history provision step in which, while said article is being put up for sale as a secondhand article, the service history for said article stored in said data base, is provided to a customer via a network (fig. 1).

21. As per Claims 14 Lancaster et al does not expressly show a system wherein said usage data collection steps, said usage history storage step, and said

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usage history provision step are conducted simultaneously in parallel so that article still in use can be put up for sale as a secondhand article.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The usage data collection steps, usage history storage step, and usage history provision step would be performed the same regardless of the order. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide parallel processing of data because such data does not functionally relate to the steps in the method or system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

22. As per **claim 15**, Lancaster failed to disclose a method further comprising a step of updating said current state data within said data base based on collected said usage data.

Ukai discloses a method further comprising a step of updating said current state data within said data base based on collected said usage data (page 4, 0071).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Lancaster et al and incorporate the ability of updating said current state data within said data base based on collected

said usage data as taught by Ukai et al in order to provide current state article information immediately accessible and available to potential customers.

23. As per claim 17, Lancaster et al discloses a method wherein said usage data includes photographic data showing actual images of said article (fig.13 and 26; page 10, 0114).

24. As per claim 18, Lancaster et al further discloses a method further comprising a download step of downloading the usage history or service history for said article, which are stored in said data base, to a terminal used by said customer via a network (see fig. 1, page 5, 0067).

25. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster et al U.S. Patent Application Publication U.S. 2002/0065707 in view of Ukai et al U.S. Patent Application Publication U.S. 2003/0191581 and DeWolf et al U.S. Patent Application Publication 2002/0032626 as applied to claim 11 above and further in view of Windle et al U.S. Patent 4,926,331.

26. As per claim 16, both Lancaster et al, Ukai et al and DeWolf et al failed to explicitly disclose a method wherein said usage data includes operation data that shows an amount of work done by said article.

Windle et al discloses a method wherein said usage data includes operation data that shows an amount of work done by said article (see fig 23 and 32, col. 1, lines 37-43).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Lancaster et al, Ukai et al and DeWolf et

al and incorporate the ability to provide a usage data includes operation data that shows an amount of work done by said article as taught by Windle et al in order to provide current value of the article based on amount of work performed to potential customers.

27. Claim 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster et al U.S. Patent Application Publication 2002/0065707 in view of DeWolf et al U.S. Patent Application Publication 2002/0032626.

28. As per claim 19, Lancaster et al discloses a computer system for providing information about secondhand articles comprising:

usage data collection means that, when an article has been used, collects usage data that shows the facts relating to the usage of article (page 13, claim 30);

a database (see fig 1)

a usage history storage means that stores the collected usage data as usage history on said data base (page 4, 0063). Lancaster failed to explicitly disclose a usage history provision means that, while said article is being put up for sale as a secondhand article, provides the usage history for said article stored in said data base, to a customer via a network.

DeWolf et al discloses a computer system for providing information about secondhand articles, comprising

usage history provision means that, while said article is being put up for sale as a secondhand article, provides the usage history for said article stored in said data base, to a customer via a network (fig 1, page 9, 0105; page 14, 0143).



Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Lancaster et al and incorporate the ability to provide usage history provision means that, while said article is being put up for sale as a secondhand article, provides the usage history for said article stored in said data base, to a customer via a network as taught by DeWolf et al in order to provide immediate access to usage history data and enable customer to ascertain article value.

29. As per claim 20, Lancaster et al further discloses a computer system further comprising:

a service data collection means that, when said article has been serviced, collects service data that shows the facts relating to the service of the said article (fig. 27, page 5, 0072);

a service history storage means that stores the collected service data as service history on said data base (fig. 27, page 0082 ); and

a service history provision means that, while said article is being put up for sale as a secondhand article, provides the service history for said article stored in said data base, o a customer via a network (see fig. 27, page 6, 0082).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited to Steiner U.S. Patent 4,939,652 and Ito et al U.S. Patent 4,462,079, are considered relevant to the claimed invention.

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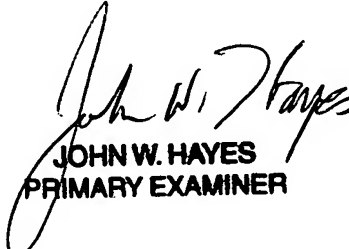
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is (703) 305-0586. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305 – 9768. The fax phone number for the organization where the application or proceeding is assigned is (703) 305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

acc

November 18, 2004

  
JOHN W. HAYES  
PRIMARY EXAMINER